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Advisory Council on Occupational Health and Occupational Safety



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Interim Statement November, 1977 to March 31, 1978



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**Members and Officers of the Advisory Council
on Occupational Health and Occupational Safety 1977 - 1978.**

2

W. Al Barnes (1980)
St. Catharines

Jim W. Charters (1980)
Hamilton

Rod D. Fraser (1979)
Kingston

Peter Fisher (1978)
Burlington

Lorne Heard (1980)
Oshawa

T.S. Jones (1979)
Toronto

Henry Kobryn (1979)
Toronto

Ernie Mastromatteo (1978)
Toronto

John M. More (1978)
Port Credit

J. Fraser Mustard (1980) Chairman
Hamilton

Clifford G. Pilkey (1980)
Toronto

R. Peter Riggin (1980)
Toronto

Gil J. Samson (1978)
Toronto

Larry Sheffe (1979)
Willowdale

Jim Stopps (1980)
Toronto

Del D. Stover (1979)
Sarnia

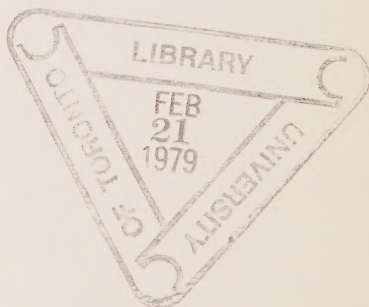
Ed. A. Waddell (1978)
Don Mills

Robert Wilson (1978)
Toronto

A.J. Byrne
Executive Secretary

Peter B. Berend
Executive Officer

Members Terms' expire on October 31
of the year indicated in parentheses.



Letter of Transmittal

3



Advisory Council on
Occupational Health &
Occupational Safety

Office
of the
Chairman

400 University Avenue
Toronto, Ontario
M7A 1T7
416/965-2448

27 April, 1978

The Honourable Bette Stephenson, M.D.
Minister of Labour
400 University Avenue
Toronto, Ontario

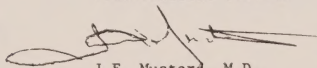
Madam:

I have the honour to submit an Interim Statement of
the Advisory Council on Occupational Health and Occupational
Safety for the period 28 November, 1977 to 31 March, 1978.

I look forward to discussing with you how this Interim
Statement will be made public.

I have the honour to be, Madam,

Your obedient servant



J.F. Mustard, M.D.
Chairman.

Attachment.

This Interim Report of the Advisory Council on Occupational Health and Occupational Safety covers the period from November 1977 to March 31, 1978. The Council has set its objectives and terms of reference within the broad mandate under which the Council was established (Appendix A). Council has set up arrangements whereby it can examine some of the difficult issues that labour, management, government and the public of this Province will have to examine in some depth.

In this report we present a brief discussion and description of some of the issues in occupational health and safety that have been brought to the Council's attention and the proposed arrangements for the Council's operation. We will in the future use the introductory section of the Annual Report as a forum for Council to share with government, management, labour and the public at large, some general observations on selected matters of significance for the future of occupational health and safety in Ontario.

On May 23, 1977, authority was given by an Order-in-Council for the formation of an Advisory Council on Occupational Health and Occupational Safety to consist of not less than 12 and not more than 20 members. It replaces the former Labour Safety Council and the Advisory Council on Occupational and Environmental Health. In October 1977, eighteen members were appointed. They are divided equally among management, labour and the public at large. The Council held its first meeting on November 28, 1977. Subsequently it has met three times until the end of March, 1978.

The Order-in-Council sets forth the function and powers of the Advisory Council. These are:

- a) to make recommendations to the Minister relating to programs of the Ministry in occupational health and occupational safety; and
- b) to advise the Minister on matters relating to occupational health and occupational safety which may be brought to its attention or be referred to it.

To achieve this mandate as a public body the Council has recommended and the Minister approved that, in addition to these

powers, there be added a requirement for the Council to submit an Annual Report to the Minister which must be tabled in the House as a public document. This Annual Report will contain all the advisory memoranda and recommendations made to the Minister and the Government of Ontario and will, therefore, serve as a report on Council's activities during the period covered.

With the Minister's approval the Council defined its functions in detail. The objectives and terms of reference set by the Council are as follows:

Primary Objective

To advise the Minister of Labour on all matters relative to occupational health and safety in Ontario.

Secondary Objectives

1. To ensure as far as is possible that the policies and programs in occupational health and safety effectively minimize the risks to health and safety in all workplaces in Ontario.
2. To ensure as far as is possible that knowledge about occupational health and safety is available to management, labour and the public and that it is understood by them.
3. To assist in promoting and establishing mechanisms involving management and labour to solve problems in occupational health and safety.
4. To ensure as far as is possible that there is appropriate manpower training and development for the occupational health and safety field.

Terms of Reference

1. To make recommendations on matters referred to it by the Minister, submitted to it by interested parties or pursued by Council on its own initiative.
2. To advise the Minister on programs in the field of occupational health and safety.
3. To advise the Minister on policies, principles and procedures used in standard setting and in the development of guidelines to be used by the government.
4. To review and make recommendations to the Minister on the introduction of new substances such as chemicals into the workplace.
5. To review and make recommendations on the detection, measurement and control of occupational health and safety hazards in the workplace.
6. To review and make recommendations about the arrangements for occupational health and safety for groups and areas where there are no formal health and safety programs or the programs are judged to be inadequate.
7. To advise the Minister on priorities for research and development in occupational health and safety.
8. To advise the Minister on priorities for manpower training and development in the field of occupational health and safety.
9. To prepare an Annual Report to the Minister, which shall include the advisory memoranda, recommendations of the Council and the government response.

Issues

Among the problems under consideration by Council are those concerned with the function of the Council in the process of setting of standards and regulations. Council feels that it should not be responsible for setting standards, regulations or guidelines. Council believes that it should provide advice about the appropriateness of the principles, policies and procedures used in setting the standards, regulations, guidelines or codes of practice in occupational health and safety in Ontario. Further, Council believes that in the context of these criteria, it should review and comment to the Minister on the appropriateness of the procedures which are used by the Ministry including the issue of public input into the final guidelines and regulations. Council believes that, since draft regulations or guidelines are the responsibility of the government, the responsibility for public hearing must also be that of the Ministry and not of the Council. The Council's position on this matter is given in Appendix B and has been concurred with by the Minister.

Although establishing the standards, regulations or guidelines is an important step in initiating a coherent policy in occupational health and safety, of equal importance are the procedures for monitoring and maintaining occupational health and safety standards in the workplace. Council deems it important to have an appreciation of the effectiveness and value of the various approaches, such as inspection and fines, or the use of incentives to ensure that health and safety hazards are minimized. Measures that enhance joint management labour participation in ensuring that occupational health and safety standards are met in the workplace are of major importance.

Council believes that the development and maintenance of health and safety programs in small companies deserves particular attention. Small companies often lack the resources to access and apply the knowledge in

the field of health and safety. Council will consider alternative approaches for assisting small businesses in this area.

A key issue for the future is the detection of potential new hazards. In the past the hazards have usually been identified long after they have contributed to health and safety problems. Although considerably more research is required, it does appear as though some new approaches can be made that will allow for earlier prediction or detection of new hazards in the workplace.

An effective and well-balanced research program in occupational health and safety is of importance if we are to have the knowledge to enable us to tackle some of the problems. This research has to cover the development of new knowledge (basic research), testing the value of new knowledge (applied research) and research directed at examining ways to make use of useful knowledge. A research program is of value in interpreting the results of studies in other parts of the world and in ensuring that accurate information is available for the programs in occupational health and safety. There is a need to consider the most suitable approach in establishing an appropriate program on occupational health and safety research.

For an effective program in occupational health and safety, it is necessary to have skilled individuals well versed in occupational health and safety to work in the field. In addition, it is important that accurate information be made available to labour, management and the public in a form that is useful. All of these and other areas such as the roles of the Federal and Provincial governments, the role of voluntary associations are important for Council to review.

In order for Council to play its role in these areas, Task Forces have been established by the Council. These are outlined in Appendix C.

The membership of these and other Task Forces are drawn from Council members and other individuals in the community. The Task Forces will prepare advisory memoranda for consideration by Council. If appropriate, the Council will submit them to the Minister. In selected instances, Council may refer the memoranda to involved

groups for comment. Their comments may be heard at a public meeting. The procedures for these meetings have not been set, but a group from Council is examining the matter. In such instances, following this public hearing, Council will then prepare its final advice on the matter under consideration for the Minister.

Summary

The role of the Advisory Council is to act as a public body ready and able to offer the Minister of Labour advice on matters affecting health and safety at work. The individual Council members are selected because they can contribute a unique viewpoint to the overall thrust of the Council. They are not advocates for particular institutions, but represent the concerns of broad segments of society. They work to examine critically and comment upon issues requiring attention.

The Task Forces established by Council indicate the areas of concern to members. Council will select other issues referred by the Minister, Council members or by recommendation from individuals. Council welcomes the recommendations from outside individuals and organizations on the need for action on matters of pressing concern. Council stands as a focal point for debate on significant matters affecting the policies and programs in occupational health and safety in Ontario. As a representative of the broad public interest and in the interests of openness, its advice to the Minister, with her responses, will be published in an Annual Report.



O.C. 1494/77

Copy of an Order-in-Council approved by
Her Honour the Lieutenant Governor, dated the
23rd day of May, A.D. 1977.

Upon the recommendation of the Honourable
the Minister of Labour, the Committee of Council
advise that an Advisory Council on Occupational Health
and Occupational Safety be established consisting of not
fewer than twelve and not more than twenty members to
be appointed by the Minister of Labour who may designate
a chairman and a vice-chairman from among the members
appointed which Advisory Council may make recommendations
to the Minister of Labour on programs in occupational
health and occupational safety and advise the Minister
of Labour on matters relating to occupational health
and occupational safety that may be brought to its
attention or be referred to it.

The Committee further advise that the members
of the Advisory Council be paid remuneration and expenses
in accordance with the principles established by
Management Board of Cabinet for the remuneration of
Government Boards and Commissions.

Certified,

A handwritten signature in cursive script, appearing to read "R. A. Arnall".

Deputy Clerk, Executive Council.

Appendix B

12



Advisory Council on
Occupational Health &
Occupational Safety

Office
of the
Chairman

400 University Avenue
Toronto, Ontario
M7A 1T7
416/965-2448

File: AC/A/05

13 February, 1978

The Honourable Bette Stephenson
Minister of Labour
400 University Avenue
Toronto, Ontario
M7A 1T7

Dear Madam Minister:

In an earlier letter dated 19 January, 1978, Council expressed the need to ensure that any available regulations that would come under Bill 70 be made available to the interested parties as soon as possible. Council felt that making these regulations available would speed the hearings in respect to the Bill. In addition, Council recognized that there will be the need for public input in relation to the establishment of new regulations.

Council has had preliminary discussions of the role of the Advisory Council in terms of input in establishing regulations under Bill 70. Since some outside agencies have suggested that public input might be made through the Advisory Council, we think it is important that the respective roles of the Ministry and the Council be clear.

Council will be reviewing the principles and procedures for setting standards and regulations. From this review, we may have specific recommendations for your consideration. I am writing to outline an approach for public input and the role of the Council in respect to establishing regulations under Bill 70. Because Council is reviewing the whole process, this must be considered as interim advice. The following steps would provide for public input and a role for Council in respect to the regulations pertaining to Bill 70:

- (1) The Ministry of Labour should publicly announce the areas in which it intends to develop regulations and indicate that it will be prepared to receive input from interested parties or persons.
- (11) Ministry staff should develop draft regulations. The draft regulations should include a list of reference indicating the sources of information used in reaching the conclusions set forth in the regulations.
- (111) The draft regulations could then be submitted to interested groups from labour, management and the public for comment. It should be indicated to the groups that are commenting

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The Honourable Bette Stephenson.

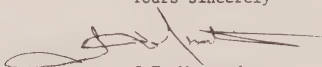
on the draft regulations that their comments will be made public upon request. (This means that one does not have to duplicate all the submissions and disseminate them widely but ensures public access). It does mean, however, that, if an individual or group has concerns about a particular regulation, it could ask to see all the submissions and draw its own conclusions about how well the various points have been taken into account in setting the final regulations. By informing people beforehand that their comments will be made available to the public upon request, everyone is aware of the disclosure that can be expected.

- (iv) Following review of the comments, the Ministry should then revise the regulations if it is considered appropriate.
- (v) The revised regulations should not only include the list of reference used in formulating the regulations, but in addition list the responses or briefs made by external bodies about the draft regulations.
- (vi) The question of an appeal mechanism, once the regulations are promulgated, should not be lost sight of. We do not at this time have any suggestion.

A role of the Council could be to comment on the revised regulations. The Council would review the steps that have been taken to draw up the regulations, and give the Minister its opinion about the appropriateness of the final regulations. Council's advice would be to the Minister. It would be important that Council's input into this be selective so that its efforts in this be directed to regulation in which there is concern and debate. Council would not be in a position to review all regulations in detail, as the staff is limited, as is the time of the members of Council. The ultimate responsibility for the regulations and the political consequences must, of course, remain with your Ministry and the Government.

The Council's role in respect to regulations should not be to hold public hearings or draft regulations. The Council's role would be as a public body to give you advice about the appropriateness of the steps used in setting the regulations and its views about the final proposed regulations.

Yours sincerely



J.F. Mustard
Chairman.

cc: Mr. T.E. Armstrong
Dr. C.R. May

TASK FORCES ESTABLISHED BY
ADVISORY COUNCIL ON OCCUPATIONAL HEALTH AND OCCUPATIONAL SAFETY

1. Task Force on Public Meetings of Council:

To recommend arrangements whereby the Council can allow for public input into the Council's deliberations. This could range from arrangements for:

- (i) submission of briefs to
- (ii) public hearings.

2. Task Force on Principles & Procedures for Setting Standards & Regulations:

To establish guidelines by which the Council can determine the appropriateness of the principles, policies and procedures used in setting the standards and regulations in Occupational Health and Safety in Ontario. To include such things as the development of the Regulations and public input about those regulations.

3. Task Force on Procedures for Monitoring and Maintaining Occupational Health & Safety Standards in the Workplace:

This should include a review of the value and appropriateness of:

- (i) inspections and fines to enforce standards and regulations;
- (ii) incentives to minimize health and safety hazards;
- (iii) other measures to enhance compliance by management and labour.

This analysis should include, if possible, all aspects of "cost benefit" considerations. The committee should give consideration to methods to achieve a healthy and safe workplace.

4. Task Force on Occupational Health & Safety in Places Without Formal Programs:

- (i) Review existing situation;
- (ii) Possible approaches to solving problems.

5. Task Force on Occupational Health & Safety Manpower Needs, Education Programs and Occupational Health & Safety Information:

Re Manpower:

- (i) A review of existing situation, taking into account new developments;
- (ii) Recommendations in respect to what one policy should be for types and number of individuals in Occupational Health and Safety.

Re Education:

- A review of existing educational arrangements and suggestions in respect to the future.

- 2 -

Re Information:

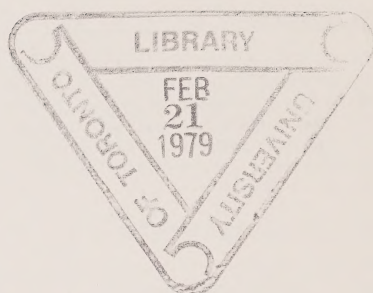
- A review of existing situations and suggestions for future arrangements, ensuring that knowledge is available to all and is presented in a form that can be understood.

6. Task Force on Occupational Health and Safety Research:

- To review present situation in respect to Research in Occupational Health & Safety from all sectors.
- To prepare recommendations on priorities and policies for the support of research in this area from the Provincial viewpoint. This should also include arrangements for co-ordination with other health research programs.

7. Task Force on Potential New Hazards:

To review the occupational health and safety issues and problems associated with the introduction of new substances into the workplace and to prepare policy recommendations for consideration by the Council.





Ontario
Ministry of
Labour

400 University Ave.
Toronto, Ontario
M7A 1T7
